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14 UNITED STATES DISTRICT COURT
15
16 SOUTHERN DISTRICT OF CALIFORNIA

17 ROBERT STEINBERG, ROBERT N. ADLER,)
FRANK V. FINIZIA, BRIAN C. LATZ,)
GERARD SCORZIELLO, JEFF QUINN,)
18 JOHN VOLPE, PAUL ROLES, JANEMARIE)
LENIHAN, DAVID ANDREW GASMAN,)
19 ISRAEL HARMAN, JOHN MASKUBI,)
VERNON D. BROWN, JOSEPH STOWELL,)
20 JR., KYLE R. ARMITAGE, CHRISTOPHER)
D. BART, and ERIC N. WULFF, on behalf of)
21 themselves, the general public, and all others)
similarly situated,)

22 Plaintiffs,)

23 vs.)

24 MORGAN STANLEY & CO.)
25 INCORPORATED and MORGAN)
STANLEY DW INC.,)

26 Defendants.)
27)
28)

CASE NO. 3:06-cv-02628-BEN-NLS

**NOTICE OF JOINT MOTION AND
JOINT MOTION FOR FINAL
APPROVAL OF CLASS AND
COLLECTIVE ACTION SETTLEMENT**

DATE: November 3, 2008
TIME: 10:30 a.m.
CTRM: 3, 4TH FLOOR
JUDGE: HON. ROGER T. BENITEZ

1 TO THE COURT AND ALL INTERESTED PARTIES:

2 PLEASE TAKE NOTICE THAT on November 3, 2008 at 10:30 a.m. or as soon thereafter
 3 as counsel may be heard, in Courtroom 3, before the Honorable Roger T. Benitez, United States
 4 District Court for the Southern District of California, located at 880 Front Street, San Diego,
 5 California 92101, Plaintiffs Robert Steinberg, Robert N. Adler, Frank V. Finizia, Brian C. Latz,
 6 Gerard Scorziello, Jeff Quinn, John Volpe, Paul Roles, Janemarie Lenihan, David Andrew
 7 Gasman, Israel Harman, John Maskubi, Vernon D. Brown, Joseph Stowell, Jr., Kyle R. Armitage,
 8 Christopher D. Bart, and Eric N. Wulff (herein "Plaintiffs"), and Defendants Morgan Stanley &
 9 Co. Incorporated and Morgan Stanley DW Inc. (herein "Morgan Stanley"), will and hereby do
 10 jointly and respectfully move the Court to: (a) grant final approval of the Settlement; and (b) enter
 11 the proposed Order Granting Final Approval Of Class Action Settlement And Awarding
 12 Attorney's Fees, Litigation Expenses, And Plaintiff Enhancements.

13 The parties make this motion on the grounds that the proposed settlement is fair, adequate,
 14 and just. This Motion is based upon this Notice of Motion and Joint Motion for Final Approval of
 15 Class Action Settlement; the Memorandum of Points and Authorities filed in support; the
 16 declarations of counsel, filed concurrently herewith; the proposed Order Granting Final Approval
 17 of Class Action Settlement and Awarding Attorneys' Fees; Litigation Expenses; and Plaintiff
 18 Enhancements and Final Judgment; any reply papers submitted in support of this Motion; any oral
 19 argument of counsel; the complete files and records in the above-captioned matter; and such
 20 additional matters as the Court may consider.

21 DATED: October 13, 2008

WOLF HALDENSTEIN ADLER FREEMAN'
& HERZ LLP

22 /s/ Jeffrey G. Smith

23 JEFFREY G. SMITH
Attorneys for Plaintiffs

24 DATED: October 13, 2008

MORGAN LEWIS & BOCKIUS, LLP

26 /s/Samuel S. Shaulson

27 SAMUEL S. SHAULSON
Attorneys for Defendants

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